

18 MAY 2004



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In re Application of
DOLLY, et al.
U.S. Application No.: 10/049,967
PCT No.: PCT/GB00/03196

Int. Filing Date: 18 August 2000

Priority Date: 20 August 1999

Attorney Docket No.: 20020065.ORI

For: ISOFORMS OF SNARE MOLECULES AND
THE USES THEREOF IN MODULATION OF
CELLULAR EXOCYTOSIS

DECISION ON RENEWED

PETITION UNDER

37 CFR 1.47(a)

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.47(a)" filed 23 February 2004 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 22 August 2003, applicant was mailed a decision dismissing applicant's renewed petition under 37 CFR 1.47(a) to accept the present application without the signatures of inventors James O. DOLLY, Nadiem MOHAMMED and Patrick G. FORAN. Applicant was afforded two months to file any request for reconsideration.

On 23 February 2004, applicant responded with the present renewed petition; a petition for a four-month extension of time and a check for \$1480.00 as payment of the four-month extension of time fee. With the filing of the petition for a four-month extension of time, applicant's renewed petition is considered to be timely filed.

DISCUSSION

As detailed in the decision mailed 22 August 2003, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(i), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1), (3) and (4).

As to item (2), applicant's original petition filed 11 October 2002 was dismissed in part because applicant had not shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to inventors James O. DOLLY, Nadiem MOHAMMED and Patrick G. FORAN. Applicant has presently provided a combined declaration and power of attorney executed by two of the previously non-signing inventors, Nadiem Mohammed and Patrick G. Foran. Therefore, the renewed petition under 37 CFR 1.47(a) is considered moot vis-a-vis inventors Mohammed and Foran.

As to inventor Dolly, applicant has presently provided a declaration from Mr. Richard Garraway attesting to firsthand knowledge that inventor Dolly was provided with a complete set of application papers. In addition, the Garraway declaration details numerous efforts to obtain the signature of the non-cooperating inventor. Sufficient time has elapsed from the mailing of the papers to inventor and applicant receiving no response from the inventor to satisfy this item.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an international filing date of 18 August 2000 under 35 U.S.C. 363, and will be given a date of **23 February 2004** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).



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Mr. Oliver Dolly
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Dear Mr. Dolly:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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